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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,072	10/04/2006	Christopher Charles Buntain	8830-330 (208412)	7587

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EXAMINER
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KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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08/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,072	<b>Applicant(s)</b> BUNTAIN ET AL.	
	<b>Examiner</b> BASIL KATCHEVES	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

Claim 14 is objected to because of the following informalities: The cladding rail is not described in the specification. Appropriate correction is required. This claim will be examined as best understood.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cladding rail must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 recites the limitation "the free end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "spacing block" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 also states that there is a cladding panel connected to a block between the rib and cladding panel. This is confusing, clarification is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-12 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,740,648 to Piccone.**

Regarding claims 1 and 20, Piccone discloses a structural rib for a wall assembly comprising a stiffening web (fig. 3: 53) having first and second flanges at both ends (78, 80), the rib also having a supporting fin (fin where 58 points) extending from the web in a lateral direction.

Regarding claim 2, Piccone also discloses a second fin extending opposite the first fin (fig. 3: see fin of component 66).

Regarding claim 3, Piccone discloses the two fins as being 90 degrees to the web and coplanar to each other.

Regarding claim 4, Piccone discloses a plurality of first and second fins (66 and 70).

Regarding claim 5, Piccone discloses the ends of the fins as adapted to engage cladding accessories.

Regarding claim 6, Piccone discloses panels as the cladding (fig. 1).

Regarding claim 7, Piccone discloses the free ends of the fins as having slots for receiving cladding (fig. 3: each fin has 2 slots, 1 shown where 58 points).

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Regarding claim 8, Piccone discloses the slot as inherently capable of holding the cladding after insertion.

Regarding claims 9, 10, Piccone discloses the two flanges as having grooved slots (88, 86, 84, 82) on opposite sides for receiving cladding.

Regarding claim 11, Piccone discloses the rib as having a means of attachment to a wall (fig. 1: see rib 23 attached to wall panel).

Regarding claim 12, Piccone discloses a wall structure (fig. 1) comprised of a plurality of structural ribs (23) in the wall assembly comprising a stiffening web (fig. 3: 53) having first and second flanges at both ends (78, 80), the rib also having a supporting fin (fin where 58 points) extending from the web in a lateral direction.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,740,648 to Piccone in view of U.S. Patent No. 6,694,692 to Piccone.**

Regarding claims 13, Piccone does not disclose an insulation layer attached to the other of the first and second flanges. Piccone '692 discloses a rib in a wall system

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with insulation (fig. 1: 56) attached to a flange of the rib. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Piccone by adding insulation, as disclosed by Piccone '692, in order to better insulate the wall.

Regarding claim 14, Piccone in view of Piccone '692 discloses a cladding rail (fig. 1: see rail of 26 located between insulation and rib) positioned between the rib and insulation.

Regarding claim 15, Piccone in view of Piccone '692 discloses a spacing block (fig. 1: 52) located between cladding panel and rib.

Regarding claim 16, Piccone in view of Piccone '692 discloses insulation between fins and extending between adjacent components.

Regarding claims 17-19, Piccone discloses the opposite sides of the flanges and fins as capable of receiving cladding panels.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to wall ribs in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3635